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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,128	12/17/2001	Michael J. VanLccuwen	01188-T9305.NP	3113
20551 7590 07/19/2007 THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 350 SANDY, UT 84070			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 07/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/024,128

Applicant(s)

VANLEEUWEN, MICHAEL J.

Examiner

Jennifer Liversedge

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 14, 16 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16 and 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 10/024,128 filed on May 17, 2007.

The amendment contains original claims: 14, 16.

The amendment contains amended claims: 13.

The amendment contains new claims: 20-27.

Claims 1-12, 15 and 17-19 have been canceled.

Claim Objections

Claims 16 and 21-23 objected to because of the following informalities:

Claim 16 as written depends from canceled claim 15. For purposes of examination, Examiner assumes claim 16 should depend from claim 13.

Claim 21 language is unclear. In claim 20, it is stated that a first debt is paid off, and then focus shifts to a second debt. In claim 21, it is not as clear that the debt has been paid off. Similar language as found in claim 20 could be adapted to help clarify the language in claim 21.

Claims 22 and 23 refers to "one of the debt to be paid", Examiner believes it would be more clear and accurate to refer to "one of the debts to be paid".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 refers to calculating which of a plurality of debts to apply a one time benefit providing the greatest overall benefit. First, it is unclear what calculation is being performed in this step. Second, reference to "the greatest overall benefit".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 13-14, 16, 20-21, 23-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,358,278 to Ellis (further referred to as Ellis), and

further in view of "Simple steps can erase debt" by Scott Burns (further referred to as Burns).

Regarding claims 13, Ellis discloses a method for determining a financial debt that should be paid down first to reduce a person's overall financial debt (Figure 13, columns 1-2, 7-8), comprising the steps of:

Storing debt information for a plurality of debts, wherein the debt information for each financial debt includes a principal amount, an interest rate, a periodic payment, and a debt payment length (Figure 13; column 8, lines 39-46).

Ellis does not disclose comparing the periodic payment of each debt to the principal amount; creating a numerical ranking for each of the debts based on dividing the periodic payment by an original amount or a remaining principal amount and identifying the debt to pay off first based on the highest numerical ranking of the debt to allow the plurality of debts to be paid off in a reduced amount of time.

However, Burns discloses comparing the periodic payment of each debt to the principal amount; creating a numerical ranking for each of the debts (page 3). Burns creates a numerical ranking for each of the debts based on dividing the original balance or a remaining principal amount by the periodic payment and identifying the debt to pay off first based on the lowest numerical ranking of the debt to allow the plurality of debts to be paid off in a reduced amount of time.

It would be obvious to one of ordinary skill in the art that dividing the balance owed by the periodic payment and then selecting the result with the lowest value would

have the same ranking effect by means of the same values as claimed in the present application in which it is claimed to divide the periodic payment by the balanced owed and selecting the result with the highest value.

It would further be obvious to one of ordinary skill in the art to combine the use of ranking based on a comparison of periodic payments and a balance remaining as disclosed by Burns with the debt reduction plan options disclosed by Ellis. The motivation would be to offer one of many approaches to debt reduction such that reduction is accelerated using available debt data.

Regarding claims 14 and 16, Ellis discloses determining a sequence in which for the debts are paid down to pay off the debts in reduced time and applying additional power payments to the debt that has been identified to be paid off first (Figure 13; column 8, lines 39-60).

Regarding claims 20-21, Ellis does not disclose selecting a next debt to be paid off after the debt to be paid off first has been paid off, wherein the next debt is elected based on the next highest numerical ranking for the plurality of debts and further adding the periodic payment amount of the debt to be paid off first to a periodic payment amount of the next debt to be paid off to enable the next debt to be paid off at an accelerated rate. However, Burns discloses selecting a next debt to be paid off after the debt to be paid off first has been paid off, wherein the next debt is elected based on the next highest numerical ranking for the plurality of debts and further adding the periodic

payment amount of the debt to be paid off first to a periodic payment amount of the next debt to be paid off to enable the next debt to be paid off at an accelerated rate (page 3). Given the combination of Ellis and Burns as presented in the rejection of claim 13, It would be obvious to one of ordinary skill in the art to combine selecting the next ranked debt and adding funds which had been directed to another debt that has been paid off as disclosed by Burns to address accelerated debt reduction as disclosed by Ellis. The motivation would be to use the ranked values as determined by calculation to lead a debt reducer through the list of ranked debts, and wherein all available funds are directed to debt reduction.

Regarding claim 23, Ellis discloses adding a one time payment to one of the debts to be paid off first and the next debt to be paid off to enable at least one of the debts to be paid off at an accelerated rate (Figure 13; column 8, lines 39-60).

Regarding claim 24, Ellis discloses calculating which of the plurality of debts to which the one time payment is applied will provide the greatest overall benefit and applying the one time payment to tat debt (Figure 13; column 8, lines 39-60).

Regarding claim 25, Ellis does not disclose determining which debts to pay off first using a wizard configured to assist a user in the steps of comparing, creating, and identifying. However, Burns discloses determining which debts to pay off first using a wizard configured to assist a user in the steps of comparing, creating, and identifying

(page 3). It would be obvious to one of ordinary skill in the art to modify the accelerated debt reduction as disclosed by Ellis to adapt a wizard to perform the steps of comparing, creating and identifying as disclosed by Burns. The motivation would be to use technology for quicker and more accurate results than obtained by performing the steps by hand.

Regarding claim 27, Ellis discloses determining a periodic payment based on an amount listed on a bill for one of the plurality of bills (Figure 13; column 8, lines 39-60).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis and Burns as applied to claim 20 above, and further in view of "One extra payment can add up" by Pamela Reeves Scripps Howard (further referred to as Howard).

Neither Ellis nor Burns disclose adding an extra amount equal to one monthly payment each year to one of the debts to be paid off first and the next debt to be paid off to enable at least one of the debts to be paid off at an accelerated rate. However, Howard discloses adding an extra amount equal to one monthly payment each year to one of the debts to be paid off first and the next debt to be paid off to enable at least one of the debts to be paid off at an accelerated rate (page 2). It would be obvious to one of ordinary skill in the art to modify the accelerated debt reduction as disclosed by Ellis and Burns to adapt making an extra payment for accelerated debt reduction as disclosed by Howard. The motivation would be to offer many different approaches to debt reduction in which extra funds are directed toward debt.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis and Burns as applied to claim13 above, and further in view of Official Notice.

Neither Ellis nor Burns disclose calculating the periodic payment based on the principal amount and the interest rate. However, Examiner takes Official Notice that it is old and well known that periodic payments are determined based on a principal amount and the interest rate. It would be obvious to calculate a periodic payment using the factors and values by which the financial industry uses for such a calculation.

Response to Arguments

Applicant's arguments with respect to claims 13-14, 16 and 20-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Kramer can be reached at 571-272-6783. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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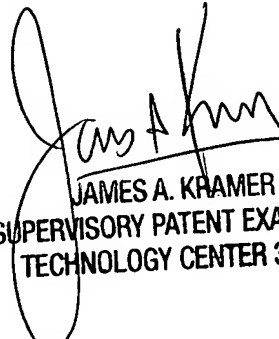
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Jennifer Liversedge

Examiner

Art Unit 3692

 7/11/07
JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600